

1 Q. And this is your article written on July 21st of 2001  
2 (sic), correct?

3 A. Yes, correct.

4 Q. You discussed things like a fruit pizza, and avocado  
5 salad, and it is tabouli -- is that how you pronounce  
6 it -- tabouli salad?

7 A. I don't know.

8 Q. You don't know about the article you wrote?

9 A. I wrote it in July. I looked up some recipes online.

10 Q. Go to the next one. Did you also write an article  
11 about how to start your career in modeling?

12 A. I was asked to write an article about how to start a  
13 career in modeling.

14 Q. And you wrote that on July 23rd, correct?

15 A. Yes.

16 Q. That also had photographs and things like that,  
17 correct?

18 A. Yes, it had some very large photographs.

19 Q. The next one. And you also wrote an article  
20 called -- next page, "Online Shopping: An Addiction Or  
21 Just Boredom?" Did you write that article, as well?

22 A. I did.

23 Q. And that was four pages, does that sound about right?

24 A. With pictures, yes.

25 Q. And did you write an article called "Five Book

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Barry L. Fanning, RMR, CRR - Official Court Reporter

(253) 882-3833 Barry\_Fanning@WAWD.uscourts.gov

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1                   Releases We Can't Wait To Get Our Hands On"?

2                   A. Yes.

3                   Q. And did you list those five books and discuss those  
4                   books?

5                   A. I had not read these books. I looked at reviews  
6                   online and wrote a synthesis about them.

7                   Q. And the books included -- never mind. And then you  
8                   wrote another article in July of 2021 called "The Refugee  
9                   Olympic Team," correct?

10                  A. Yeah. I believe the Tokyo Olympic games were going  
11                  on, so I was asked to write about this.

12                  Q. And that's a four-page article --

13                  A. With photos, yes.

14                  Q. So if I can go back to your -- so prior to -- you  
15                  have your LinkedIn, can you see that, Emily, A41?

16                  A. Yes.

17                  Q. After the discussion about Geek, prior to that you  
18                  worked as a contact writer, is that -- I apologize, I will  
19                  mispronounce this -- Al Fusaic? Is that how you pronounce  
20                  that?

21                  A. It is call Al Fusaic. It is a volunteer  
22                  organization. You can write just content related to the  
23                  Middle East, submit just -- whatever you feel like, book  
24                  reviews, et cetera.

25                  Q. You were doing that while you were working at Geek

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Barry L. Fanning, RMR, CRR - Official Court Reporter

(253) 882-3833 Barry\_Fanning@WAWD.uscourts.gov

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1       Labs, correct?

2       A. I believe I started Al Fusaic in July before I  
3           started working at Geek Labs. I have not really done much  
4           with it.

5       Q. And then one of the articles that you wrote for that  
6           group was the Cairo story that we have been talking about,  
7           correct?

8       A. I did not write it for Al Fusaic. I wrote it  
9           previously and submitted it to them.

10      Q. So you submitted it to Al Fusaic, that's why it is in  
11           your LinkedIn that you filled out, correct?

12      A. Yes.

13      Q. Did you also submit something called Omani?

14      A. In order to qualify as like a volunteer with their  
15           organization to submit articles, you had to write a piece  
16           about one of the ancient tribes or groups in the Middle  
17           East. So they assigned me the Omani. And I wrote like a  
18           broad overview of their -- the tribal history, I guess.

19      Q. And what is Omani?

20           MR. PETRU: Objection. Relevance, your Honor.

21           THE COURT: Overruled.

22           THE WITNESS: There is a country in the Middle  
23           East called Oman. And so it is kind of about the ancient  
24           civilization that gave birth to what is the country of  
25           Oman today.

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Barry L. Fanning, RMR, CRR - Official Court Reporter

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1 BY MR. BONVENTRE:

2 Q. And that was -- you wrote about that?

3 A. Yes.

4 Q. All right. Prior to that -- actually, at the same  
5 time, it indicates that you were working at the Jasmine  
6 Language Training Center part-time? Do you see that?

7 A. Yes.

8 Q. So you were doing that at the same time with Al -- I  
9 apologize, Al Fusaic and Geek Labs, at least partially at  
10 the same time, correct?

11 A. I was in training at the Jasmine Language Center  
12 throughout July and I think into August. I was there  
13 part-time. And meanwhile, I had submitted roughly two  
14 articles to Al Fusaic in the same period of time.

15 Q. And this was also while you were a content writer at  
16 Geek Labs, correct?

17 A. Yes.

18 Q. And prior -- I think we talked briefly, you worked  
19 full time from January 2021 to April of 2021 in Olympia,  
20 in the State Senate, correct?

21 A. No. I was working remotely from Kelso, Washington.

22 Q. And you were an aide, correct?

23 A. Yes, I was a session aide.

24 Q. Previous to that, in 2020, that's when you had been  
25 doing your internship with the Washington State

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Barry L. Fanning, RMR, CRR - Official Court Reporter

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## 1 | Legislature, correct?

2 A. In the winter of 2020, I had been an intern at the  
3 Washington State Legislature.

4 Q. And that was, obviously, back in the United States,  
5 correct?

6 A. To be clear, when I was a session aide, I was in  
7 Kelso, Washington. And in the winter of 2020, when I was  
8 an intern, I was also in Olympia. I was in Olympia then.

9 Q. Another part of your LinkedIn page, if that's the  
10 right phrase, was you were a data transcriber for a  
11 Slavonic journal project, from July of 2017 through March  
12 of 2020, correct?

13 A. This was kind of a volunteer. There is a group in  
14 Washington that is trying to transcribe the journals of an  
15 old sailor who was in kind of the Middle East region. You  
16 are given pieces of his journal and you like, roughly --  
17 like a few pages of it, and then you are trying to read  
18 his handwriting and type what you see. I did that -- kind  
19 of -- it was very easy to do, so I did that once in a  
20 while for them.

21 Q. And you did it for almost three years?

22 A. Yeah. They would give me some pages and I would  
23 write what I saw.

24 Q. And you were -- it says that you were a language  
25 assistant at the American Center of Cairo. Do you see

-Barry L. Fanning, RMR, CRR - Official Court Reporter-

(253) 882-3833 Barry.Fanning@WAWD.uscourts.gov

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1 that?

2 A. Can you show me exactly where this is?

3 Q. Sure. Absolutely. I think it is the next page.

4 Just to speed this along, do you remember being at the  
5 American Center in Cairo from September of 2019 to  
6 February of 2020?

7 A. There is like a volunteer internship where remotely I  
8 was asked to write some questions about U.S. holidays,  
9 cultural things, a few simple questions to aid them in  
10 their conversation circles at the American Center of  
11 Cairo. I just did this for a few months from the United  
12 States. I was never interacting with any of the people  
13 actually at that organization.

14 Q. And your description here is that you created  
15 dialogues about American culture for Egyptians? Is that  
16 what you have in here?

17 A. Yes, I created questions and answers sometimes, yeah.

18 Q. And you also did an internship from January -- for  
19 2019, an internship at Gulf State Analytics, correct?

20 A. Yes.

21 Q. And 2019 through December. So this would have been  
22 in the time frame when you were studying in France and  
23 also traveling to Cairo, correct?

24 A. Yes. I started it when I was in France. I had very  
25 little to do, so I wanted to find a new opportunity. So I

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Barry L. Fanning, RMR, CRR - Official Court Reporter

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1 applied to find an internship. I was given basically  
2 three topics to try to write about and research during my  
3 internship with them.

4 Q. And it said you prepared background information and  
5 analysis for several current event pieces. Duties  
6 included coordinating on regional topics, revising  
7 articles and participating in the writing process to  
8 prepare articles for publication in coordination with a  
9 senior analyst. That's what you wrote?

10 A. It's a very fancy way of saying I would do background  
11 research on a specific topic. I would bring it to an  
12 actual -- you know, expert on the topic. They would  
13 correct me. We would go and rewrite it, and rewrite it  
14 together, until it was co-authored.

15 Q. And one of the articles that you co-authored was an  
16 article called "Yemen's Fragile Peace Talks," correct?

17 A. Correct.

18 Q. And what was the subject of that article?

19 MR. PETRU: Objection. Relevance, your Honor.

20 THE COURT: Overruled.

21 THE WITNESS: I don't know if you know about the  
22 trouble the country of Yemen has been going through. But  
23 I believe it was on the peace talk processes at that time.  
24 And I kind of put together some background research for it  
25 before Theodore Karasik eventually kind of authored it for

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Barry L. Fanning, RMR, CRR - Official Court Reporter

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1 us.

2 BY MR. BONVENTRE:

3 Q. It also says that you wrote an article about, quote,  
4 "Understanding Egypt's Role In Libya's Civil War,"  
5 correct?

6 A. I did not write it. I co-authored it with Georgia  
7 Cafiero.

8 Q. I take it the topic of that article is Egypt's role  
9 in Libya's civil war?

10 A. Correct.

11 Q. It also indicates, if I am correct, while you were --  
12 as a language assistant at the American Center of Cairo,  
13 and Gulf State Analytics, you were also at the Ahlan  
14 Arabic Centre of Cairo; is that correct, in 2019, as well?

15 A. No. These are conflicting time periods. For  
16 instance, I left Ahlan -- when I went to Egypt, this is  
17 where I was an intern at. I was at the language  
18 institute, which is called the Ahlan Institute of Cairo,  
19 kind of an administration assistant. I didn't start with  
20 this virtual public service thing through the VSF program  
21 as a language assistant for the American Center of Cairo  
22 until September of 2019, which at that point I had left my  
23 internship in Cairo. But meanwhile, I had been writing  
24 these three articles during the one-year period with Gulf  
25 State Analytics.

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Barry L. Fanning, RMR, CRR - Official Court Reporter

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1 you be more clear?

2 Q. Do you have any issues -- are you speaking with your  
3 dad right now?

4 A. No.

5 Q. Is it -- would it be fair to say, respectfully,  
6 Emily, that you told Dr. Scovel you have had problems with  
7 your dad, long-standing problems with your dad?

8 A. He is my father. You know, he was -- I would do  
9 something wrong, and we would have an argument about it,  
10 but it would always be resolved.

11 Q. Did you tell Dr. Scovel that you had long-standing  
12 problems with your dad before the Amtrak train accident?

13 A. Without seeing the paperwork, I would say, yes, we  
14 have always had arguments, issues, disagreements.

15 Q. At some point, you saw a therapist, Emily Smith? Do  
16 you remember that?

17 A. Yeah.

18 Q. I believe you saw Ms. Smith on one occasion, correct?

19 A. Correct.

20 Q. And I believe you said in your deposition that you  
21 didn't continue to see her because you didn't get along  
22 with her and you didn't like her name?

23 A. I was having a very hard time when I was living in  
24 Seattle at that point. And I was hoping to seek out  
25 someone that I could kind of vent to and explain my

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Barry L. Fanning, RMR, CRR - Official Court Reporter

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1 doing them, it's the attention and distraction she has  
2 had, but not the innate ability to do those things.

3 Why do we spend time talking about what she knows --  
4 what we know she still can do? And the answer is simple.  
5 The answer is because their defense in this case is to  
6 distract you from the harm, to distort the evidence, and  
7 to deceive you about what your role is and what her  
8 damages are.

9 MR. BONVENTRE: Objection, your Honor.

10 THE COURT: Overruled.

11 MR. PETRU: They could have brought in experts to  
12 tell you that Emily does not suffer from PTSD. They could  
13 have brought in experts to tell you that Emily does not  
14 have brain damage. They chose not to.

15 Why not? Because the testimony you heard from all  
16 the witnesses is true and correct and unimpeached, from  
17 Dr. Crossen, from Dr. Spohr, from Dr. Filler, from  
18 Dr. Scovel, and from Emily herself, about the impact and  
19 effect these injuries have had on her. In fact, the  
20 diagnoses that were shared by the treating physicians with  
21 you, as reflected in their opinions and in their charts,  
22 are 100 percent consistent with each other.

23 So instead, Amtrak criticized the providers for not  
24 sending or requesting each other's reports. We spent a  
25 lot of time, did your office send it, did you get it, why

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1 our former colleague, now judge, Carol Bosch, Dr. Filler,  
2 to some extent Dr. Crossen. Why did they attack us? What  
3 were they arguing? What were they suggesting? That we  
4 somehow -- Emily should not be compensated because we were  
5 doing our jobs, because we had communications with them,  
6 because we told them when trial was coming, that we wanted  
7 to know what their opinions were going to be so we can  
8 prepare to make opening statements, to provide the  
9 evidence, to bring it to you? Is there something wrong  
10 with a lawyer communicating with witnesses he or she knows  
11 are going to come to trial? I think there is something  
12 wrong if the lawyer doesn't do that. But somehow by  
13 deceiving and twisting and distorting what really  
14 happened, they are suggesting that Emily shouldn't be  
15 compensated because she hired lawyers.

16 What do they criticize for us -- us for? In addition  
17 to us, they criticized Dr. Scovel, Dr. Filler,  
18 Dr. Crossen, Dr. Spohr for not sharing the reports. That  
19 doesn't change the diagnosis. That doesn't change the  
20 treatment. And most importantly, that doesn't change what  
21 happened and is happening to Emily Torjusen.

22 A good example -- a good example, by the way, is  
23 Dr. Filler. Yes, we worked with Dr. Filler and asked him  
24 to prepare a PowerPoint, a PowerPoint to help explain to  
25 you the very technical and very complicated tool that he

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Barry L. Fanning, RMR, CRR - Official Court Reporter

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1       helped invent called the DTI, a tool which coincidentally  
2       the original patent was owned by the State of Washington.  
3       He prepared the PowerPoint so you could understand what it  
4       was that he was able to get out of evaluating the DTI to  
5       actually look into Emily Torjusen's brain.

6           In cross-examination with Dr. Filler here, not one  
7       question, not a single question, not even half a question,  
8       not even a question that was objected to, not a single  
9       question was asked of Dr. Filler about his opinions and  
10       his conclusions based on his work with Emily Torjusen.  
11       Not one.

12       Instead, in their constant attempt to distract and  
13       distort and deceive, they talked about how much money he  
14       makes. He makes a fair amount of money. He is one of the  
15       world's leading expert in this technology. If you want to  
16       know what is happening in somebody's head after they have  
17       had a brain injury, you can go to somebody like  
18       Dr. Filler. There aren't very many of them.

19       Amtrak certainly could have done it if Amtrak really  
20       wanted to know what was going on inside her head. But  
21       instead of hiring him, bringing him in here, they  
22       criticize him for making money as part of his work. That  
23       doesn't change the quality of his work. That doesn't  
24       change his opinions and conclusions. It's an attack on  
25       him. I find that to be disingenuous.

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Barry L. Fanning, RMR, CRR - Official Court Reporter

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1                   Remember in opening statement counsel for the  
2 railroad tried to tell you that the DTI exam, the very  
3 tool that Dr. Filler used and explained to you, was  
4 rejected by some group they called the American Academy of  
5 Radiology. And I quote from counsel: "We know that the  
6 tests he claims are so wonderful have been rejected by the  
7 American Academy of Radiology. Okay? That's what the  
8 evidence is going to demonstrate, ladies and gentlemen."

9                   That was his promise to you. First of all, the  
10 American Academy of Radiology does not exist. Dr. Filler  
11 said so. We looked it up. There ain't no so such thing.

12                   Second of all, they didn't bring any evidence in to  
13 show that there is anybody who is qualified, who  
14 criticizes the DTI test -- technology, standards,  
15 platform, operation. Again, they want you to be deceived.

16                   In opening counsel also talked about CT scans, and  
17 explained to you in his opinion that the CTs are the gold  
18 standard, and that Emily Torjusen had a normal CT, so she  
19 must be fine. He failed to mention the truth, and that is  
20 that a CT scan is the gold standard not for detecting  
21 brain injury, but for detecting whether somebody has a  
22 brain bleed, a hematoma, a hemorrhage, a skull fracture.  
23 It is used in an emergency room in triage to see whether  
24 or not you have to get a neurosurgeon in then and there to  
25 save somebody's life from a head injury resulting in a

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Barry L. Fanning, RMR, CRR - Official Court Reporter

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1 its servicemen or women are found to have suffered or  
2 potentially suffered brain injury. It's the tool that is  
3 used widely around the world, and specifically by the U.S.  
4 Army.

5 With regard to Dr. Scovel, counsel brazenly misquoted  
6 Dr. Scovel numerous times --

7 MR. BONVENTRE: Objection, your Honor.

8 THE COURT: Overruled.

9 MR. PETRU: -- in an attempt to misrepresent her  
10 findings. This was just yesterday. But it's important to  
11 remember what she wrote and how it was read to her and  
12 represented to her and, more importantly, how it was  
13 misrepresented.

14 Counsel said in one of his questions, "And in 2018,  
15 you thought she could fully recover, correct?" When that  
16 isn't what she said.

17 What she said was that she was "hopeful that Emily  
18 would be able to recover." She did not categorically  
19 state that she would recover. Dropping a word, ignoring a  
20 word changes meaning. Again, distort, deceive.

21 I am going to go through these. I was hoping to show  
22 them. If you will give me half a minute, I will see if I  
23 can get it to work.

24 This is from the 2018 report from Dr. Scovel. This  
25 was in her conclusion. She wrote, "In consideration of

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1       was some improvement. But concomitantly, she noted that  
2       in her testing, Emily's test results with regard to the  
3       emotional stress she was under, the torment, didn't get  
4       better, but was actually worse. And she explained how and  
5       why it was worse, which is why in her second diagnosis in  
6       2020, the first diagnosis was major depressive disorder,  
7       the second was anxiety disorder, the third was  
8       post-traumatic stress disorder, and the fourth was  
9       post-concussive disorder.

10       What happened was in 2018 the testing showed more  
11       problems early on with the concussion, with the TBI, and  
12       then in 2020, it was the emotional component that took  
13       priority. Not that the TBI went away, but the emotional  
14       component was so significant that it became the first  
15       diagnosis. You can't ignore that.

16       By parsing out one sentence and ignoring the rest,  
17       you can deceive. We aren't here to deceive you. Our job  
18       is to inform you and provide you with the tools that you  
19       need.

20       Let's talk about therapy. You will be hearing talk  
21       about therapy later on. I asked Dr. Scovel yesterday  
22       point blank whether somebody such as Emily Torjusen, 24  
23       years old, with TBI, with PTSD, depression and anxiety,  
24       whether she is to be criticized in any way, shape, or form  
25       for the difficulties that she has had and expressed in

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Barry L. Fanning, RMR, CRR - Official Court Reporter

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1 people whom she volunteers, her uncontrollable fear when  
2 she is riding a bus, a train, or a plane, her spontaneous  
3 crying, her fear of not finding and keeping a true and  
4 lasting love, her fear of not being able to have her own  
5 family, her loneliness for the last four and a half years,  
6 and for the future that she sees as her fate.

7 They prefer that the brain injury remain hidden, but  
8 we showed it to you. They prefer that the PTSD be ignored  
9 by talking about articles on modeling or food or movies.  
10 They didn't ask a single question about the horrific  
11 event, the day, where they did this to her on  
12 December 18th, 2017. Not one single question about that  
13 day. They want to distract you from why we are really  
14 here.

15 You saw the power of that yesterday. You saw the  
16 power of her trauma, her torment yesterday. But it wasn't  
17 just yesterday. Weekly she experiences it. Something  
18 triggers it, the memory goes back, the emotions come and  
19 she relives it.

20 You saw the power of that trauma on an innocent  
21 bystander, on Kevin Jeffers, four and a half years later.  
22 He wasn't on the train.

23 They tried to suggest to you that Emily is fine  
24 because she has gotten good grades and a job and can write  
25 well. Well, we knew that. That isn't the problem. The

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Barry L. Fanning, RMR, CRR - Official Court Reporter

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1 value of PTSD, anxiety or depression. There is not a  
2 formula or matrix to look up. These are noneconomic  
3 because there is not a quantifiable number that is  
4 assigned to it. The verdict which you reach has to be  
5 reached by your own evaluation of the evidence,  
6 understanding the nature and the severity of the harms,  
7 the duration of the harms and, most importantly, how it  
8 affects Emily Torjusen. Those are the things that you  
9 have to look at.

10 You may disagree, but we believe for the last four  
11 and a half years, for the brain injury that Emily  
12 suffered, an amount of \$2 million would be fair to balance  
13 out that harm.

14 That specifically addresses issues of focus. She has  
15 had to take Concerta just to get through school, her  
16 attention and concentration problems, the anger and the  
17 outbursts associated with her brain injury.

18 Insofar as the loss of friends and relationships is  
19 controlled by the brain injury, that would be included as  
20 well, but that also is a ramification of the PTSD, the  
21 depression and the anxiety. There is a little crossover.

22 As for the amount of money that would fully and  
23 reasonably compensate Emily for the next six decades, the  
24 next 58 years for the brain injury, we believe that  
25 \$5 million would be a fair and reasonable amount to

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1       compensate her for the next 50 years of going through life  
2       with a brain injury, which is still there and, based on  
3       the testimony, will be there with her forever.

4           Which brings us to the PTSD, the emotional side of  
5       this. The appropriate amount we believe that would fully  
6       and fairly compensate Emily for the incredible emotional  
7       pain and suffering that she has suffered and will suffer,  
8       we believe that \$4 million is appropriate for the last  
9       four and a half years, and \$10 million is appropriate for  
10       the next 58 years.

11           Let me break that down. I know it is a lot of money,  
12       but there is a reason for it, because there is a lot of  
13       harm. First of all, the moment of the crash itself,  
14       December 17th, 2018, Emily was sitting by a window in a  
15       train, one of her favorite things to do in her entire  
16       life. Her friend Hanna shook her, shook her shoulder.  
17       Emily looked up. She saw a train violently shaking. She  
18       saw the rubber between the cars moving incorrectly,  
19       wrongly. She saw a shiny metal object coming at her. And  
20       then she woke up with her face in the dirt. She was  
21       thinking that she lost her legs, thinking that she would  
22       die, thinking that Hanna's dead body was lying on top of  
23       her legs pinning her. She found herself crying to God,  
24       screaming, screaming the Lord's prayer over and over, not  
25       knowing if she would see her family again, not knowing if

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Barry L. Fanning, RMR, CRR - Official Court Reporter

(253) 882-3833 Barry\_Fanning@WAWD.uscourts.gov

1717 Pacific Ave - Tacoma, WA 98402

EXHIBIT B

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